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ABSTRACT

Designed for surrogate parents, social workers, and educational personnel, the handbook establishes a framework for the Maine Surrogate Parent Program, in which individuals are appointed to act as advocates for exceptional students in the special education decision making process. The following procedures are outlined: (1) identification of exceptional students who require a surrogate parent, (2) appointment of surrogate parents, (3) training of surrogate parents, (4) rights of the surrogate parent, (5) responsibilities of the surrogate parent, (6) limits of the surrogate parent's responsibilities, (7) liability, (8) rights of the educational agency, (9) responsibilities of the educational agency, (10) rights of the state agency, (11) responsibilities of the state agency, and (12) reimbursement for expenses. Appended material includes pertinent regulations from state and federal law and sample forms. (CL)

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TABLE OF CONTENTS

		Page
I.	Introduction	1
II.	Definitions	2
III.	Identification of Exceptional Students Who Require A Surrogate Parent	3
IV.	Appointment of Surrogate Parents	4
V.	Training of Surrogate Parents	7
VI.	Rights of the Surrogate Parent	8
VII.	Responsibilities of the Surrogate Parent	9
VIII.	Limits of the Surrogate Parent's Responsibilities	10
IX.	Liability	11
X.	Rights of the Educational Agency	12
XI.	Responsibilities of the Educational Agency	13
XII.	Rights of the State Agency	14
XIII.	Responsibilities of the State Agency	15
XIV.	Reimbursement for Expenses	16

APPENDIX

I. Federal Regulations - Public Law 94-142

II. Maine Special Education Regulations

III. Maine Surrogate Parent Program Volunteer Application

IV. Request for Surrogate Parent

V. Suggested Checklist - Surrogate Parent Activities

VI. Sample Case Record

VII. IEP Checklist

VIII. Resources

I. Introduction

This handbook is designed for surrogate parents, social workers, and educational personnel. It establishes a framework for the Maine Surrogate Parent Program.

The input and assistance in developing this handbook provided by the many individuals including surrogate parents, special educators, Department of Human Services staff, and staff from the Division of Special Education is appreciated.

Acknowledgement is given to the states of Vermont, Virginia, Oregon, Indiana, Rhode Island, Connecticut, and Massachusetts for sharing their Surrogate Parent Program Handbooks.

Comments are solicited which suggest improvements in the Maine Surrogate Parent Program and this handbook. Please forward suggestions to:

Michael J. Opuda
Consultant, Exceptional Children
Department of Educational and
Cultural Services
Division of Special Education
Station #23
Augusta, Maine 04333

II. Definitions

Surrogate Parent

A surrogate parent is an individual appointed by the Commissioner of the Department of Educational and Cultural Services or his/her designee to act independently on behalf of an exceptional student in safeguarding that student's rights in the special education decision making process.

State Ward

A state ward for the purpose of the Maine Surrogate Parent Program includes students who have been committed by the court to the custody of the Maine Department of Human Services, Department of Corrections, or Department of Mental Health and Mental Retardation.

Exceptional Students

"Exceptional student" means any persons who reach the age of 5 years on or before October 15th of any school year and until the end of the school year in which such persons reach the age of 20 years who require special education services in the area of vision, audition, speech and language, cerebral or perceptual functions, physical mobility functions, behavior, mental development or maturation, or multiples of these functions so that their educational progress and potential may be realized.

Educational Agency

Educational Agency for the purpose of the Maine Surrogate Parent Program includes school administrative units, private day schools, residential treatment centers, or other agencies providing educational services to state wards.

State Agency

For the purpose of the Maine Surrogate Parent Program, State Agency is either the Maine Department of Human Services, Department of Corrections, or Department of Mental Health and Mental Retardation that has been granted custody of the student by the appropriate judicial process.

Caseworker

The caseworker for the purpose of the Maine Surrogate Parent Program is the representative of the state agency that has custody of the student.

III. Identification of Exceptional Students Who Require A Surrogate Parent

A. It is the responsibility of each Educational Agency (school administrative unit, private day school, residential treatment center or other agency providing educational services) to notify the Commissioner or the Commissioner's designee whenever:

1. The parents or guardian of an exceptional student other than a state ward cannot be identified or located after reasonable effort.

   a. Parents or guardian cannot be identified when there is no record of a parent or guardian available to the educational agency.

   b. Parents cannot be located if there is no response to some combination of phone calls, letters, certified letter with return receipt, or visit to the parent's last known address.

2. An exceptional student is a ward of the State of Maine.

   a. Ward of the State of Maine includes all exceptional students committed by the court to the custody of the Departments of Human Services, Mental Health and Mental Retardation, or Corrections.

IV. Appointment of Surrogate Parents

The Commissioner of the Department of Educational and Cultural Services or his/her designee is responsible for the selection and appointment of surrogate parents.

A. Criteria for Selection

A surrogate parent shall:

1. be an adult of good character and a resident of the State of Maine;

2. have no interests that conflict with the interests of the student being represented;

3. have sufficient knowledge and skill to ensure adequate representation of the student;

4. not be an employee of the public or private agency involved in the education of the student;

5. not be an employee of the Maine Department of Educational and Cultural Services, Department of Human Services, Department of Mental Health and Mental Retardation, or Department of Corrections.

B. Additional Considerations

The Commissioner or his/her designee will consider the following for the selection of a surrogate parent:

1. The availability and appropriateness of the natural parent, adoptive parent, foster parent, or relative.

2. A surrogate parent with a cultural and ethnic background similar to the student.

3. The appropriateness to the student's participation in the selection of his or her surrogate.

4. The surrogate parent's place of residence and availability.

C. Priority for the Appointment of A Surrogate.

Surrogate parents will be selected for appointment by the Commissioner of Educational and Cultural Services or his/her designee according to the following priorities providing the individual meets the criteria set forth under Criteria For Selection, Section IV-A:

1. Natural Parent/Adoptive Parent;

2. Relative;

3. Foster parent;

4. Individual recommended by the student;

5. Individual recommended by the educational agency;

6. Individual recommended by the state agency;

7. Individual recruited by the Department of Educational and Cultural Services.

The Department of Educational and Cultural Services will seek the advice of the student's caseworker when considering the appointment of the natural, adoptive or foster parent, or relative.

D. Termination of Appointment

1. The appointment of a surrogate parent will automatically terminate when any one of the following conditions occur:

   a. the student reaches 18 years of age, is recognized as an adult, and no longer desires the assistance of a surrogate;

   b. the student is emancipated and no longer desires the assistance of a surrogate;

   c. the student, if adjudicated incompetent, completes the school year (July 1 - June 30) in which he/she turns 20;

   d. the student no longer requires special education and/or related services;

   e. the student completes his/her course of study leading to a high school diploma or graduate equivalency degree.

2. The Commissioner of the Department of Educational and Cultural Services or his/her designee may terminate an appointment:

   a. when a surrogate parent notifies the Commissioner or his/her designee in writing that the surrogate parent no longer wishes to serve;

   b. when the educational agency informs the Commissioner or his/her designee in writing that the surrogate is no longer eligible (e.g., the student's education is completed, the surrogate parent has become an employee of the educational agency, the surrogate parent has neither attended nor responded to notices of meetings, etc.). All reasons cited shall be documented and verified by the Department of Educational and Cultural Services;

c. when the department having custody of the state ward notifies the Commissioner or his/her designee in writing that the surrogate parent is no longer eligible (e.g., the student has been adopted, the surrogate parent has become an employee of their agency, the natural parents have regained custody, etc.). All reasons cited must be documented and verified by the Department of Educational and Cultural Services;

d. when the Department of Educational and Cultural Services has reason to believe that a surrogate parent is not effectively representing the student, or that the surrogate parent has a conflict of interest not previously identified.

V. Training of Surrogate Parents

It is the responsibility of the Department of Educational and Cultural Services to ensure that surrogate parents have appropriate training and/or comparable experience.

A. Training will consist of a minimum of two (2) training sessions of two and one-half hours duration held on a regional basis. Such training will include as a minimum the following topics:

1. Introduction to special education and handicapping conditions.

2. State and Federal Special Education Law and Regulations.

3. Rights and responsibilities of surrogate parents.

4. The educational decision-making process.

5. Procedural safeguards.

B. Comparable experience in lieu of training may include one of the following:

1. Valid certification in an area of Special Education.

2. Completion of a least six (6) hours of college level courses in special education within the last three (3) years.

3. Attendance at a minimum of five (5) hours of parent training/in-service training workshops on special education and parent's rights within the last three (3) years.

4. A minimum of two (2) years experience as a participant in the Pupil Evaluation Team process.

5. Other appropriate training or experiences as determined on an individual basis.

C. Individuals interested in being appointed as a surrogate parent shall specify their training and/or experience on the volunteer registration form. See Appendix III.

D. The Department of Educational and Cultural Services will provide on-going consultation and training to surrogate parents upon request and will advise surrogate parents of other resources and consultative services available.

VI. Rights of the Surrogate Parent

The surrogate parent has the same rights as the natural parent throughout the educational decision-making process.

The surrogate parent has the right:

1. to inspect, review, and to obtain copies of all records relating to the student's education;

2. to provide written consent prior to the:

   a. pre-placement evaluation; or

   b. initial placement of the student in a program providing special education and/or related services;

3. to receive written notice prior to any evaluation or change in the student's placement or program;

4. to participate in any Pupil Evaluation Team meeting or other case conference regarding the student's education including Case Review Conferences by the Department of Human Services, Interdisciplinary Team Meetings of the Department of Mental Health and Mental Retardation, and Clinical Review Team Meetings of the Department of Corrections;

5. to question the appropriateness of the child's educational program and educational placement;

6. to be informed of the special education policies, programs, and services of the educational agency;

7. to all procedural safeguards including the right to seek an independent evaluation, the right to a due process hearing, and the right to initiate a complaint.

VII. Responsibilities of the Surrogate Parent

A. The surrogate parent shall:

1. become acquainted with the exceptional student, the student's handicapping condition and the student's educational needs through visitations to the student's school and review of the student's educational records;

2. represent the student in all Pupil Evaluation Team and other meetings relating to the identification, evaluation, and educational placement of the student and the provision of an equal educational opportunity in the least restrictive educational environment;

3. ensure the confidentiality of information and records concerning the student;

4. be able to make sufficient time available to carry out the duties of surrogate parent properly;

5. have sufficient knowledge and skills to execute these responsibilities and to seek additional consultation and training as needed;

6. maintain a file containing the student's records and a record of the surrogate parent's activity. The surrogate parent will forward the file upon the termination of their appointment as surrogate parent to the Department of Educational and Cultural Services;

7. notify the Commissioner or his/her designee whenever the surrogate parent has reason to believe that a conflict of interest exists with respect to his/her appointment;

8. notify the student's caseworker when the surrogate parent has reason to believe that a foster home or group home placement is inappropriate.

VIII. Limits of the Surrogate Parent's Responsibilities

1. The surrogate parent has no authority or responsibility for the care, maintenance, or financial support of the student.

2. The surrogate parent may participate with the appropriate state agency in the discussion of the selection of a foster home or group home placement. The surrogate parent has no authority or responsibility to approve a non-educational placement in a group home or foster home.

3. The caseworker responsible for the student should, whenever possible, advise the surrogate parent of a potential group home or foster home placement and in cooperation with the surrogate parent determine that the new placement will be able to meet the student's educational needs.

4. It is the responsibility of the Pupil Evaluation Team of which the surrogate parent and caseworker are members to recommend a placement in a residential treatment center for an exceptional state ward.

5. The state agency shall be considered the legal guardian referred to in Chapter 105, §911, Title XX, MRSA for the purposes of compulsory education. The surrogate parent has no authority to waive the right to education for a handicapped state ward.

IX. Liability

Any decisions or recommendations made by a Pupil Evaluation Team may be questioned by the surrogate parent, educational agency, or state agency under the due process requirements of State and Federal Special Education Law and Regulations. While a due process hearing does not determine liability, it is highly unlikely that a surrogate parent could be held liable in later court action for any P.E.T. recommendation, especially one that was not questioned through a due process hearing.

The Maine Department of Educational and Cultural Services is seeking a clarification in the Maine statutes to assure that surrogate parents are covered by the Maine Tort Claims Act as employees of the State of Maine.

X. Rights of the Educational Agency

The appointment of a surrogate parent shall not limit the rights under Maine or Federal Laws and Regulations of the School Administrative Unit or other agency responsible for the education of the exceptional student. These rights include, but are not limited to:

1. the right to mediation or a due process hearing to question the recommendation of the surrogate parent or caseworker relating to the exceptional student's identification, evaluation, placement, or programming;

2. the right to question any action taken by the surrogate parent by contacting the Commissioner of the Department of Educational and Cultural Services or his/her designee;

3. the right to question any action taken by any representative of the State Agency by contacting the caseworker supervisor, regional program manager, or Commissioner of the appropriate State Agency.

XI. Responsibilities of the Educational Agency

The school administrative unit, private day school, residential treatment center, or other agency responsible for the education of the exceptional student shall:

1. ensure that state wards are accorded the same rights to equal educational opportunities as other residents of the community;

2. ensure that surrogate parents are accorded the same rights as parents when representing the educational interests of the children they are appointed to serve;

3. ensure that the surrogate parent and state agency responsible for the student are kept informed of the student's program and progress;

4. notify the Commissioner or his/her designee whenever a state ward has been identified as an exceptional student or when a state ward has been referred to the Pupil Evaluation Team. See Appendix IV for a copy of a referral form;

5. recommend whenever possible an individual to serve as surrogate parent for an identified student;

6. notify the Commissioner or his/her designee when there is reason to believe that the surrogate parent is no longer eligible or that a conflict of interest exists.

XII. Rights of the State Agency

The appointment of a surrogate parent will not limit any rights of the state agency under Federal or State Laws and Regulations. These rights include, but are not limited to:

1. the right to refer a state ward to the Pupil Evaluation Team of the School Administrative Unit in which the ward resides;

2. the right to request that the Commissioner of the Department of Educational and Cultural Services or his/her designee appoint a surrogate parent when the State Agency has reason to believe that the state ward may require special education and/or related services;

3. the right to request mediation or a due process hearing regarding the identification, evaluation, programming, or placement of the state ward;

4. the right to file a complaint under Section 3127, Title XX MRSA with the Commissioner of the Department of Educational and Cultural Services when the agency has reason to believe that a school administrative unit or other agency providing educational services is in non-compliance with the Maine Special Education Regulations;

5. the right to advise the Commissioner of the Department of Educational and Cultural Services or his/her designee when the state agency has reason to believe that the surrogate parent or educational agency are not functioning in the best interests of the student;

6. the right to placement of a state ward in a non-educational placement without the consent of the surrogate parent.

XIII. Responsibilities of the State Agency

The State Agency responsible for the care and custody of an exceptional student shall:

1. ensure that the surrogate parent and educational agency are provided access to evaluations and records relevant to the student's educational needs;

2. advise whenever possible the surrogate parent and educational agency prior to any change in foster home or group home placement of the student and seek the advice of the surrogate parent regarding any educational needs that should be considered when selecting a foster home or group home;

3. advise as soon as possible the surrogate parent, the prior, and the receiving educational agency of the non-educational change of placement of a handicapped state ward;

4. notify the Commissioner of the Department of Educational and Cultural Services or his/her designee whenever a state ward is identified as an exceptional student or has been referred to the Pupil Evaluation Team in the event that the educational agency has not requested the appointment of a surrogate parent. (See Appendix IV for a sample referral form.);

5. advise the Commissioner of the Department of Educational and Cultural Services or his/her designee regarding the appropriateness of a natural parent, adoptive parent, foster parent, or relative as the student's surrogate parent;

6. notify the Commissioner of the Department of Educational and Cultural Services or his/her designee when there is reason to believe that the surrogate parent is no longer eligible or when a conflict of interest exists;

7. ensure that the agency's staff and foster parents are familiar with the role and responsibilities of surrogate parents, the Pupil Evaluation Team process and the Maine and Federal Special Education Regulations.

XIV. Reimbursement for Expenses

Surrogate Parents

Reasonable and customary expenses incurred by surrogate parents in the performance of their duties shall be reimbursed at the following rates on a State of Maine Travel and Expense Account Voucher:

1. Mileage Allowance

   Surrogate parents shall be paid a mileage allowance of twenty-two cents ($.22) per mile for use of their personal vehicle.

2. Meals and Lodging Expenses

   Surrogate parents shall be allowed a maximum amount for breakfast of three dollars ($3.00); for lunch, four dollars and fifty cents ($4.50); and for dinner, nine dollars ($9.00). Receipt required for any one meal exceeding eight dollars ($8.00).

   Surrogate parents shall be allowed a maximum amount for lodging of thirty dollars ($30.00) per night.

3. Telephone Expenses

   Surrogate parents shall be allowed actual costs for telephone toll charges plus applicable state and federal tax incurred. In lieu of submitting copies of their personal telephone charge statements, surrogate parents may elect to submit an itemized accounting of such calls on a Department of Educational and Cultural Services voucher.

4. Other Expenses

   Surrogate parents shall be allowed actual and reasonable costs for additional expenses incurred in the execution of their duties (i.e., child care, copying, etc.). Receipt required for any item exceeding three dollars ($3.00).

§121a.514 Surrogate Parents

(a) General. Each public agency shall insure that the rights of a child are protected when: (1) no parent (as defined in §121.10) can be identified; (2) the public agency, after reasonable efforts, cannot discover the whereabouts of a parent; or (3) the child is a ward of the State under the laws of that State.

(b) Duty of Public Agency. The duty of a public agency under paragraph (a) of this section includes the assignment of an individual to act as a surrogate for the parents. This must include a method for: (1) determining whether a child needs a surrogate parent, and (2) assigning a surrogate parent to the child.

(c) Criteria for Selection of Surrogates. (1) The public agency may select a surrogate in any way permitted under State law. (2) Public agencies shall insure that a person selected as a surrogate: (i) has no interest that conflicts with the interests of the child he or she represents; and (ii) has knowledge and skills, that insure adequate representation of the child.

(d) Non-Employee Requirement; Compensation. (1) A person assigned as a surrogate may not be an employee of a public agency which is involved in the education or care of the child. (2) A person who otherwise qualifies to be a surrogate parent under paragraph (c) and (d) (1) of this section, is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.

(e) Responsibilities. The surrogate parent may represent the child in all matters relating to: (1) the identification, evaluation, and educational placement of the child; and (2) the provision of a free appropriate public education to the child.

§121a.10 Parent

As used in this part, the term "parent" means a parent, a guardian, a person acting as a parent of a child, or a surrogate parent who has been appointed in accordance with §121a.514. The term does not include the State if the child is a ward of the State. (20 U.S.C. 1415.)

Comment: The term "parent" is defined to include persons acting in the place of a parent, such as a grandmother or stepparent with whom a child lives, as well as persons who are legally responsible for a child's welfare.

(20 U.S.C. 1415 (b) (1) (B).) Federal Register, Vol. 42, No. 163, Tuesday, August 23, 1977.

Appendix II

Maine Special Education Regulations

§[illegible] Law

1. Equal educational opportunities. It is the declared policy of the State that all children be provided with equal educational opportunities. The purpose of this chapter is to insure that all administrative units operating schools provide equal educational opportunities for all exceptional children, as defined. Educational opportunities for such children shall be provided by means of the addition of appropriate supportive assistance to regular educational programs.

2. Least restrictive educational alternative. It is the policy of the State that exceptional children be educated with children in regular programs to the maximum extent possible. Removal of exceptional children from the regular educational environment shall occur only when the nature or severity of the exceptionality is such that education in regular classes with the use of supplemental aids and services, or education in self-contained classes within the regular school program, cannot be satisfactorily accomplished. Placement of exceptional children in residential schools or institutions or in private day schools or programs shall be authorized only after supporting evaluative data justifying such placement have been submitted to and approved by the commissioner.

§101.9 Local Responsibility (Programming)

N.	State Ward Definition	A child who is in the care or custody of the Department of Human Services shall be considered a State Ward for the purpose of these special education regulations.
O.	State Ward Residency	A State Ward living in a foster home or group home shall be considered a resident of the administrative unit in which the facility is located - for educational purposes.
P.	Local Unit Responsibilities for State Wards	As a resident of a local administrative unit, a State Ward shall be entitled to the same special education and supportive services as any other resident student.
Q.	P.E.T. Process for State Wards	The administrative unit's Pupil Evaluation Team shall process all referrals for a State Ward in the same manner as for any other resident student of that unit. The regional director of the Office of the Department of Human Services having jurisdiction in that administrative unit shall receive all notifications required to be sent to parents or guardians under these regulations. The regional director, or member of his/her staff, is entitled to be a member of and to participate in Pupil Evaluation Team meetings for each State Ward. Any communications required by the foster

parents or group home directors shall be the responsibility of the regional director or his or her designee.

R. Transfer of Responsibility to State P.E.T.

If a State Ward is placed in a special purpose private residential school or residential treatment facility or in an Intermediate Care Facility for the Mentally Retarded (ICFMR), responsibility for that student shall transfer from the local administrative unit's Pupil Evaluation Team to the State Pupil Evaluation Team at the end of the school year during which the student was placed in the residential program. Records relating to the student should be forwarded at that time to the Division of Special Education if the residential placement is to be continued.

S. Return of Responsibility to Local P.E.T.

The State Pupil Evaluation Team shall retain responsibility for program monitoring, and any further evaluation required, until the State Ward is discharged from the residential program to a foster home or group home in a local administrative unit, at which time the responsibility and records shall be transferred to the unit in which the foster home or group home is located.

If the residential facility places the student in an "outreach" or "halfway" program directly under its management and jurisdiction, as a preliminary to possible discharge, the student shall be considered to still be within the jurisdiction of the residential facility and the State Pupil Evaluation Team shall continue to maintain responsibility for that student.

W. Financial Responsibility for State Wards in Residential Placements

If a State Ward is placed in a special purpose private residential school or residential treatment facility, the tuition to the school or facility shall be paid directly by the Department of Educational and Cultural Services to the school or facility. Payment shall be at 100% of tuition plus board and room during the year in which the program is provided upon receipt of appropriate statements from the school or facility.

If a State Ward is placed in an Intermediate Care Facility for Mentally Retarded (ICFMR) not operated by the State, tuition shall be paid directly by the Department of Educational and Cultural Services to the administrative unit that provides the educational program in the facility. Payment shall be at 100% of tuition during the year in which the program is provided upon receipt of appropriate statements from the administrative unit.

X. Financial Responsibility for State Wards in Day Placements

If a State Ward is placed in a special purpose private day school or facility by a local administrative unit, the tuition to the school or facility shall be the responsibility of the administrative unit that placed

the student. If a State Ward is placed in a special purpose private day school or facility by a State agency, the tuition to the receiving school or facility shall be paid directly by the Department of Educational and Cultural Services to the school or facility upon receipt of appropriate statements. Such payment shall be at 100% of tuition during the year in which the program is provided.

§101.16 Due Process

F. Need for and Appointment of Surrogate Parent

1. Whenever the parents or guardian of an exceptional child other than a state ward cannot be identified or located after reasonable effort, the superintendent of the school administrative unit which the child is entitled to attend shall notify the Commissioner or the Commissioner's designee and shall notify the Department in accordance with 101.9(U). If the residence of the child is in question, the superintendent of the school the child is attending shall treat the child as a resident pursuant to 20 M.R.S.A., §859 (3)(B), until the Commissioner issues a decision as to the child's residency, if requested by the superintendent.

2. Whenever an exceptional child is a state ward, the superintendent of the school administrative unit which the child is entitled to attend shall notify the Commissioner or the Commissioner's designee and shall notify the Department of Human Services in accordance with 101.9(Q).

3. The Commissioner or the Commissioner's designee shall appoint a surrogate parent in the situations described in paragraphs 1 and 2.

F-1. Duties of Surrogate Parent

The surrogate parent is authorized to represent the child in all matters relating to the child's identification, evaluation, and educational placement to ensure that he or she will be provided an equal educational opportunity.

G. Criteria for Surrogate Selection

A surrogate parent shall meet the following criteria:

1. Have no interests that conflict with the interests of the child being represented.

2. Have sufficient knowledge and skill to ensure adequate representation of the child.

3. Not be an employee of a public agency involved with the education of the child. The term "public agency" is defined to include the Department, the school administrative unit responsible for providing education to the child, and the municipality of residance of of the child's parents or guardian.

Appendix III

Maine Surrogate Parent Program

Volunteer Application

Please review the enclosed material prior to completing this application.

1. Name:_____

2. Address:_____

_____

Employed By:_____

3. Home Telephone:_____ Work:_____

4. Experience and/or education relating to special education and/or handicapped children.

_____

_____

_____

_____

5. Are you proficient in any foreign language or alternative communication system (sign language, rebus symbols, etc.)?

_____

6. Do you own or have access to transportation?

_____

7. Can you make a minimum commitment of one year to a student assigned to you?

_____

8. Are you aware of any conflicts of interest that could effect your serving as a surrogate parent? Yes____ No____

If Yes, please explain:_____

_____

_____

_____

_____

Appendix III (continued)

9. Any preferences or exceptions regarding location of school, handicapping condition, length of appointment or your availability to attend meetings relating to a student assigned to you? Please specify.

_____

_____

_____

10. Are you familiar with: Maine Special Education Law and Regulations, the Pupil Evaluation Team Process, and Public Law 94-142? Do you feel you need further training in this area? Please explain.

_____

_____

_____

11. State briefly why you are interested in becoming a surrogate parent.

_____

_____

_____

12. List at least two (2) references:

Name	Address	Telephone Number

13. How did you find out about the Maine Surrogate Parent Program?

_____

I certify that the above information is correct, that I am a resident of Maine and over 18 years of age.

_____
Signature Date

Please return to: Michael J. Opuda
MDECS - Station #23
Augusta, Maine 04333
Telephone: (207) 289-3451

Appendix IV

Request for Surrogate Parent

1. Student's Name:_____ D.O.B.:_____

   Address:_____ Phone: _____

   _____

   Name of foster parents, house parents, or adult responsible for the student:_____

2. Is student a state ward? Yes____ No____ If NO, go to question #4.
   Child welfare status code: _____

3. Please identify the student's caseworker, regional office, and phone number and go to question #5.

   Name:_____ Office:_____ Phone #:_____

4. Are the student's parents unknown or can they not be located? Please explain and attach documentation of efforts to locate.

5. Please identify the student's school, principal, and teacher(s):

   School:_____ Address:_____
   Principal:_____ Phone #:_____
   Teacher(s):_____ _____
   _____ _____

6. Please identify the student's handicapping condition:_____

7. Please identify the student's current programming:

   ___ referred to PET only
   ___ resource room
   ___ composite classroom
   ___ self-contained classroom
   ___ public special day school
   ___ private day school
   ___ residential treatment center
   ___ home/hospital bound
   ___ other (identify)
   ___ no programming

8. Identify any special considerations for appointing a surrogate parent (i.e., Alternative Communication System, Foreign Language, Minority Group)

9. Can you recommend an individual who could serve as this student's surrogate parent?

   Name:_____ Relationship to Student:_____

   Address:_____

   Telephone #:_____

10. Individual making referral:_____ Date:_____

    Title:_____ Telephone #:_____

Please return to: Michael Opuda
MDECS - Station #23
Augusta, Maine 04333

Appendix V

Suggested Checklist

Surrogate Parent Activities

These are suggested activities for surrogate parents. It presents a possible sequence of activities that would ensure appropriate representation by a surrogate. Not all activities may be necessary or appropriate for a particular student. Individual discretion by the student's surrogate parent will be necessary.

Introductions	Date of Occurrence
1. Visited with assigned student at his/her school.	_____
2. Met with student's teachers and principal.	_____
3. Reviewed educational records at student's school.	_____
4. Met with student's caseworker.	_____
5. Reviewed educational records at state agency.	_____

Evaluation Process

1. Received written notice of Pupil Evaluation Team meeting scheduled at a mutually convenient time and place.	_____
2. Attended Pupil Evaluation Team meeting to review evaluations and recommend additional testing as necessary.	_____
3. Received written notice requesting an evaluation of student prior to evaluation.	_____
4. Received an oral or written explanation of the results of evaluation.	_____

Placement Process

1. Requested a P.E.T. meeting to review student's program and placement.	_____
2. Received written notice of Pupil Evaluation Team meeting at a mutually convenient time and place.	_____

Appendix V (continued)

Placement Process (continued)

Date of Occurrence

3. Attended P.E.T. Conference and reviewed student's current placement and program. _____

4. Attended P.E.T. Conference and assisted in developing a new Individual Education Program (IEP). _____

5. Requested a copy of student's IEP. _____

Conflict Resolution

1. Contacted student's teacher(s) to discuss concerns. _____

2. Expressed concerns in writing to Principal with copies to teacher and Director of Special Education. _____

3. Consulted with the Division of Special Education or other advocacy groups regarding resolution of concerns. _____

4. Requested a meeting with Director of Special Education, Principal, and teacher(s) to resolve concerns. _____

5. Requested mediation with impartial hearing officer. _____

6. Filed complaint against school system with Commissioner of Educational and Cultural Services. _____

7. Requested Due Process Hearing. _____

Appendix VI

Sample Case Record

Surrogate Parent:_____ Student's Name:_____

Address:_____ Address:_____

_____ _____

Phone #:_____ Phone #:_____

Date Appointed:_____

Student's School:_____ Phone #:_____

Teacher(s):_____

_____

Principal:_____

Date of Contact	Summary of Activity

Appendix VII

IEP Checklist

This checklist should be used to determine if your student's IEP is complete. All of the items listed may not be applicable for your student, but the majority of them should be included.

	YES	NO	N/A
a) Present Level of Performance A description of what your student can do; includes information on these areas: - self-help skills (personal maintenance) - academic skills (reading, math, etc.) - social behaviors (how he/she gets along with others) - physical skills (coordination, running, etc.) - vocational or pre-vocational skills			
b) Annual Goals The goals are based on your student's evaluation(s). The annual goals in the IEP address all the educational needs of your student. The goals set for your student can be accomplished during the school year. The annual goals indicate what your student will be able to do when the services specified in the IEP have ended.			
c) Short-Term Objectives The short-term objectives as written are specific for each annual goal. Each objective is written so that it can be measured.			

Appendix VII (continued)

	YES	NO	N/A
d) Specific Services The I.E.P. clearly states what special education and related service(s) your student will receive this school year. The services to be provided and persons who will be providing the services are specified in the IEP (example - individual speech therapy three times per week for ½ hour each time with speech therapist). The services for your student were determined by what was needed, not by what was available.			
e) Dates of Service The dates for the beginning of services were clear. When the IEP services will end for your student are clearly specified.			
f) Evaluation of Progress The method of checking your student's progress includes: a. how it will be checked b. when it will be checked c. who will be responsible for making sure this is done d. who in the school will communicate with you and when			
g) Time in Regular Class Some regular class placements were considered during the PET meeting. The percentage of time your student will spend in regular class is ___%. Ways that your student will be integrated with non-handicapped students are specified. A date was indicated for the review of the IEP.			

Appendix VIII

Resources

Information and Assistance

The following individuals and/or agencies can provide information and/or assistance with questions about special education and the Pupil Evaluation Team process.

Maine Department of Educational and Cultural Services
Division of Special Education
State House Station #23
Augusta, MAINE 04333 — 289-3451

Advocates for the Developmentally Disabled
P. O. Box 88 — 1-800-452-1948
Hallowell, MAINE 04333 — 289-2394

Parents of Learning Disabled Students
185 Lancaster Street Room 207
Portland, MAINE 04101 — 773-0325

York County Parent Awareness
c/o Paulette Libby
P.O. Box 265
Hollis, MAINE 04042 — 499-7754

Maine Association of Handicapped People
32 Thomas Street
Portland, MAINE 04101 — 774-4360

Legal Assistance

These agencies may be able to assist with mediation, complaints, and due process hearings.

Advocates, Inc.
P.O. Box 4055
Station A
Portland, MAINE 04101 — 772-8483

Advocates for the Developmentally Disabled
P.O. Box 88 — 1-800-452-1948
Hallowell, MAINE 04347 — 289-2394

Maine Civil Liberties Union
97a Exchange Street
Portland, MAINE 04101 — 774-5444

Appendix VIII (continued)

Pine Tree Legal Assistance

Portland	146 Middle Street	774-8211
Augusta	39 Green Street, P.O. Box 2429	622-4731
Lewiston	277 Lisbon Street	784-1558
Bangor	61 Main Street	942-8241
Machias	26 Main Street, P.O. Box 120	255-8656
Presque Isle	1 Second Street, P.O. Box 1207	764-4349